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MAR 27 2007

**REMARKS**

Claims 1-21 were pending, claims 1 and 14 being independent.

Claims 1, 3 and 4 have been amended.

Claims 2 and 14-21 have been canceled.

After this amendment, claims 1 and 3-13 are pending, with claim 1 being independent.

**A. REGARDING CLAIMS 1-13****I. Claims 1, 6 and 8-11 are patentable over Barrett**

In paragraph 4 of the Office Action, claims 1, 6 and 8-11 were rejected under 35 USC §102(b) over U.S. Pat. No. 5,935,096, to Barrett (hereinafter Barrett). Claim 1 has been amended to include subject matter of claim 2.

Accordingly, claim 1 as amended herein is patentable over Barrett.

Claims 6 and 8-11 depend from claim 1 and are patentable for at least the same reasons as claim 1. Withdrawal of the rejections of claims 1, 6 and 8-11 is respectfully requested.

**II. Claims 1, 7-9, 12 and 13 are patentable over Stevens**

In paragraph 5 of the Office Action, claims 1, 7-9 and 12 were rejected under 35 USC §103 as being obvious over U.S. Pat. No. 3,386,438, to Stevens (hereinafter Stevens). In paragraph 6 of the Office Action, claim 13 was rejected under 35 USC 103 as being obvious over Stevens in view of Barrett. Claim 1 has been amended to include the subject matter of claim 2.

Accordingly, claim 1 as amended herein is patentable over Stevens, and any combination of Barrett and Stevens.

Claims 7-9, 12 and 13 depend from claim 1 and are patentable for at least the same reasons as claim 1. Withdrawal of the rejections of claims 1, 7-9, 12 and 13 is respectfully requested.

**III. Claims 1, 4 and 5 are patentable over Stevens in view of Callahan**

In paragraph 7 of the Office Action, claims 1, 4 and 5 were rejected under 35 USC §103 over Steven in view of U.S. Pat. Application 2005/0033308, to Callahan (hereinafter Callahan). Without acceding to the propriety of the rejections over the combination of Stevens and Callahan, which is improper, claim 1 has been amended to include the subject matter of claim 2.

Therefore claim 1 is patentable over Stevens and Callahan.

Claims 4 and 5 depend from claim 1 and are patentable over any combination of Stevens and Callahan for at least the same reasons as claim 1. Withdrawal of the rejections of claims 1, 4 and 5 is respectfully requested.

**IV. Claims 1-5 are patentable over Green in view of Stevens**

In paragraph 8 of the Office Action, claims 1-5 were rejected over U.S. Patent No. 6,471,708 to Green (hereinafter Green) in view of Stevens. The Office Action indicates that Green discloses all elements of claim 1 except a lumen increasing in diameter. However, the Office Action alleges that Stevens discloses a lumen gradually increasing in diameter toward the tip. The Office Action alleges that the increase in diameter of the lumen disclosed by Stevens minimizes friction between the device and tissue which reduces pain. Accordingly, the Office Action alleges that it would be obvious to one of ordinary skill in the art to modify the device disclosed in Green in accordance with the disclosure of Stevens to reduce pain. The Applicant asserts that the combination of Green and Stevens is improper.

The device in Stevens is very different than the device in Green. The device in Stevens is a needle that has a tip configured to open a wound (i.e., penetrate skin). After the tip makes a wound, the cannula is immediately moved through the wound made by the tip. It is within this context that Stevens states that by having a larger tip, a larger wound is made and friction with the remaining portions of the cannula is reduced.

The IOL inserter device in Green does not have a tip configured to make a wound. The tip in Green is relatively large and blunt compared to a device in Stevens. Prior to use of an injector as disclosed in Green (i.e., prior to inserting an IOL using the inserter of Green), an incision is made and a phaco-emulsifying device is inserted into the incision to remove the

patient's natural lens (col. 1, lines 25-33). Subsequently, the phaco device is removed and the inserter device disclosed in Green is inserted into the wound to deliver the IOL.

Throughout the disclosure, Green repeatedly states that an objective of IOL insertion surgical procedures is to have a small incision size. For example, Green states the following: when removal of a patient's natural lens occurs "a slender instrument is inserted through a small incision" (col. 1, lines 27-28); "Removal of the natural lens through a relatively small incision is preferred over other procedures requiring a larger incision" (col. 1, lines 34-36); "Procedures requiring a relatively smaller incision can lessen the trauma and complication experienced both during surgery and postoperatively" (col. 1, lines 36-39); "because the incision required to remove a natural lens is relatively small, artificial intraocular lenses that do not require any enlargement of the surgical implantation are preferred" (col. 1, lines 40-43); "A number of devices have been developed to insert flexible intraocular lenses through a relatively small incision" (col 1, lines 55-57); "folding and pressing of the lens required to pass the lens through the small incision places a significant amount of inward pressure on the lens" (col. 2, lines 17-18); "In the preferred construction, packaging system 10 includes a tubular member 22 for receiving and directing IOL 12 into an eye through a relatively small incision" (col. 4, lines 8-10).

Accordingly, Green teaches the desirability of using instruments (including IOL inserter) that are consistent with maintaining a small incision size.

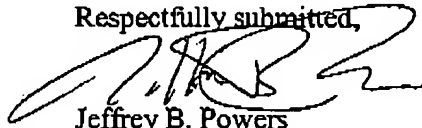
Therefore, in addition to the fact that Stevens is a very different type of device (i.e., a needle form making a wound) and as such one of ordinary skill in the art would not look to Stevens to modify a device in Green, a modification as proposed in the Office Action to have a tip that is enlarged according to the teachings of Stevens is completely contrary to the objectives of Green. Therefore, a modification to increase the tip size in Green as set forth in the Office Action is improper, and any rejection over Green and Stevens is improper.

Withdrawal of the rejections of claims 1-5 is respectfully requested.

**B. REGARDING CLAIMS 14-21**

Claims 14-21 have been cancelled. Therefore, the rejections of these claims in paragraphs 2, 7, 8, and 9 of the Office Action are moot.

Respectfully submitted,



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Dated: March 27, 2007